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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,563	09/12/2001	Bernd Petzold	10191/2020	5713
26646	7590	09/22/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			DONNELLY, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/960,563	PETZOLD ET AL.	
	<b>Examiner</b> Arthur D Donnelly	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 15-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 15-29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nimura (6,049,753).

Nimura discloses a navigational system comprising a calculation unit configured to calculate a first route from a starting point to a destination, the calculation unit further configured to calculate at least one second route different from the first route, from the starting point to the destination and a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user (Column 1 lines 54-66);

    further comprising a selection unit configured to enable the user to select one of the reproduced routes and a route guidance unit configured to generate navigational information for a position between the starting point and the destination on the selected route and to transmit the navigational information to the reproducing device for reproduction (Column 1 lines 66 through Column 2 line 21);

    wherein the calculated first route and at least one second route are reproduced on the reproducing device as a function of at least one predefined route criterion (Column 1 lines 54-61);

wherein at least one of a traffic jam probability, travel time, speed, route distance, fuel consumption, and regions through which calculated routes should not travel is one of specified as the at least one predefined route criterion via an input unit, or fixed as the at least one predefined route criterion (Column 14 lines 11-23);

wherein a weighting of the at least one route criterion is specified via an input unit, or fixed and an input device configured to enable the user to input data to manipulate or change at least one of the reproduced routes, the manipulated or altered routes being selectable by the user for route guidance. (Column 26 lines 32-43);

a communications unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, the reproducing device configured to reproduce the information regarding the traffic disruptions (Column 26 lines 35-40);

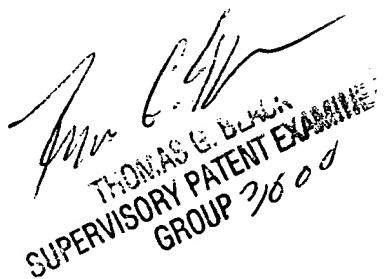
further comprising a selection unit configured to enable the user to select one of the reproduced routes, wherein the calculation unit is configured to calculate at least one additional route which differs from the selected route, the at least one additional route starting from an instantaneous position as a new starting point to the destination, in response to receiving information regarding a traffic disruption on the selected route (Column 26 lines 32-43).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Donnelly whose telephone number is (703) 305-0215. The examiner can normally be reached on Monday -Thursday on the first and third weeks of the month and from Monday - Friday on the second and forth weeks of the month from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



THOMAS E. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 2/603

add  
September 17, 2004